

**IN THE UNITED STATES DISTRICT COURT OF PENNSYLVANIA
WESTERN DISTRICT, ERIE DIVISION**

ERIE COUNTY ENVIRONMENTAL COALITION, et. al.))	
)	
Plaintiffs,)	CIVIL ACTION NO: 05-59E
)	
v.)	
)	
MILLCREEK TOWNSHIP SEWER AUTHORITY, et. al.))	
)	FOR INJUNCTIVE AND
Defendants.)	DECLARATORY
)	RELIEF AND FOR
)	CIVIL PENALTIES
)	

DECLARATION IN SUPPORT OF STANDING

I, Jesse T. Davis III (J.T.), do hereby affirm and state:

1. I am a member of **The GAIA Defense League** and have been a member since October 2005. I have personal knowledge of the matters set forth herein, except where they are based upon information and belief.

2. **The mission of The GAIA Defense League is:**

The purpose of the corporation is to, by utilizing the laws of the Commonwealth of Pennsylvania and the United States, protect the natural resources available to the citizens. The corporation intends to lawfully monitor the activities of the environmentally regulated community and when necessary, bring enforcement actions in the courts and administrative tribunals. Additionally, the corporation will undertake and promote the education of the citizenry in the protection of the natural resources. The corporation will also promote other civic interests such as assisting local governments on community building and sustainable development and conduct seminars and presentations to the public at large of a wide variety of related matters.

3. **The mission of Erie County Environmental Coalition is:**

The Erie County Environmental Coalition (ECEC) is a network of regional conservation and environmental organizations that provides member organizations a united presence that will maintain and improve the quality of the environment and address related social justice concerns.

4. My present address is 627 Japan St. Erie, PA 16502

5. I understand that this declaration is to be used in connection with litigation over MillCreek Township and MillCreek Township Sewer Authority's failure to perform its duties under the Clean Water Act. I am supportive of this litigation.
6. I have used and continue to use Pennsylvania's waters, including Walnut Creek. Particularly I like to:
 - Fish for steelhead primarily in Walnut Creek, Elk Creek, Lamson Run, Crooked Creek and Conneaut Creek on the west side of Erie County and occasionally on several on the "Mile" creeks on the east side of Erie County.
 - Fish for large mouth bass, small mouth bass, white bass, perch and walleye in Lake Erie and along its shore line and in Presque Isle Bay and its numerous bays, inlets and lagoons.
 - Fish for numerous species of trout in Oil Creek, French Creek, Brokenstraw Creek, Allegheny River and Clarion River and their numerous tributaries
7. I enjoy participating in the aforementioned activities approximately 12 times a month.
8. My enjoyment of Walnut Creek has been significantly impacted by MillCreek Township and MillCreek Township Sewer Authority's continuous discharge of significant amounts of raw sewage and/or inadequately treated sewage into Walnut Creek and its surrounding tributaries without a NPDES permit or a Pennsylvania water quality management permit in the following ways:
 - In no case will I eat a steelhead taken from neither Walnut Creek nor any other fish taken from near its mouth at Lake Erie east along the shore line to the north east tip of Presque Isle.
 - I do not fish Walnut Creek during high water flows nor do I fish the slow waters at the Access Area.
 - I do not fish Walnut Creek at any time if I have sustained a cut or scratch on my hands that may be exposed to the high concentrations of bacteria resulting from the continuous discharge for untreated waste by Millcreek Sewer Authority.
 - I am employed at Lake Erie Ultimate Angler, a locally owned shop that caters to fly fishermen, located at 2400 W 8th Street. And I am very concerned about the economic impact this pollution may have on the shop in particular and the sport fishing and travel industries in general.
 - Our Lake Erie tributaries have gained a reputation as offering some of the best steelhead fishing in the Great Lakes and for a community that reaps the economic benefits of this tremendous natural asset to continue its premeditated dumping of untreated sewage is an abomination.
 - As an aside – I relocated to Erie in June of 2003, so I have a relatively limited understanding of Millcreek's history and how this horrendous situation occurred. Over the past 2 years I learned from my fishing companions:
 1. Millcreek has been dumping raw and inadequately treated sewage into Walnut Creek since the early 1980's.

2. This didn't just occur when flood waters overwhelmed the processing plant but in fact occurred any time water levels were high, i.e. valves are intentionally opened to empty holding tanks.

3. They pay a \$2500 fine for each occurrence, regardless of how many gallons they discharged.

4. Until now the local outdoors clubs, environmental organizations and government agencies have failed to rally the general population to force Millcreek Township to correct this situation.

I am appalled. This summer Presque Isle State Park closed the beaches due to high levels of ecoli bacteria. Why have people put their heads in the sand? It's time to force Millcreek to clean it up!!!!

9. I believe that my loss of enjoyment of Walnut Creek is a direct result of MillCreek Township and MillCreek Township Sewer Authority's failure to ensure that water quality standards are implemented within the township.

10. This court has the ability to ensure that Pennsylvania's waters are preserved for my use and enjoyment, as well as future generations, by forcing MillCreek Township Sewer Authority and MillCreek Township to comply with the Clean Water Act.

I VERIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT. EXECUTED ON 12/23/05 (date).


NAME